

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
Civ. No. 4:20-00035-FL

JAMES PURIFOY, )  
                        )  
Plaintiff,           )  
                        )  
v.                     )                           **ORDER**  
                        )  
KILOLO KIJAKAZI,    )  
Acting Commissioner of Social Security, )  
                        )  
Defendant.       )

Plaintiff's counsel filed a motion for approval of attorney fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), in the amount of \$18,929.13. Attorney fees awarded under 42 U.S.C. § 406(b) may not exceed 25% of the total of the claimant's past-due benefits. Plaintiff previously has been awarded attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$5,100.00. Defendant filed a response, stating that, under *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee.

It is ORDERED that Plaintiff's counsel be awarded fees under 42 U.S.C. § 406(b) in the amount of \$ 18,929.13. Plaintiff's counsel will refund to Plaintiff the smaller amount between this amount and any fee amount that previously was received under the EAJA. SO ORDERED, this 14th day of September, 2021.

  
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Hon. Louise W. Flanagan  
United States District Judge